

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LANDMARK TRUCKS, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-cv-286-TWP-HBG
)	
MARINE CROSS COUNTRY, INC.,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff's Motion for Default Judgment as to Marine Cross Country, Inc. [Doc. 13]. Based on the Report and Recommendation of Magistrate Judge H. Bruce Guyton [Doc. 18], the Court will grant the Motion for Default Judgment [Doc. 13].

On March 25, 2019, Plaintiff moved for default judgment against Defendant [Doc. 13]. The Court referred the Motion to Magistrate Judge H. Bruce Guyton. [Doc. 14]. After a show cause hearing, the Magistrate Judge issued his Report and Recommendation. [Doc. 18]. Neither party has filed an objection to the Report and Recommendation, despite being cautioned that failure to do so within 14 days would waive any right to appeal. (*Id.* at 29 n.4); *see* Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) ("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). Nonetheless, the Court has reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Guyton's well-reasoned conclusions. The Court will accept the Report and Recommendation and grant Plaintiff's Motion for Default Judgment, awarding damages as set forth below.

Accordingly, it is **ORDERED** as follows:

- 1) The Court **ACCEPTS** and **ADOPTS** the findings of fact and conclusions of law set forth in Magistrate Judge Guyton's Report and Recommendation [Doc. 18];
- 2) Plaintiff's Motion for Default Judgment [Doc. 13] is **GRANTED**;
- 3) Judgment in the total amount of \$117,931.92, plus post judgment interest, is awarded to Plaintiff;
- 4) Plaintiff is awarded its attorney's fees and expenses in the amount of \$17,697.28; and
- 5) Plaintiff is directed to file a Bill of Costs in accordance with the Local Rules of this Court.

SO ORDERED this 24th day of June, 2019.

s/ Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE